

CITY COUNCIL AGENDA

MAY 22, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Room 600, City Hall**
Absent: Council Members Chavez, Diquisto (both excused)
 - 1:35 p.m. - Regular Session, Council Chambers, City Hall**
Absent: Council Members Chavez, Diquisto (both excused)
 - 3:30 a.m. - Closed Session, Room 205, City Hall**
Absent: Council Members Chavez, Diquisto (both excused)
 - 7:07 p.m. - Budget Public Hearing, Council Chambers, City Hall**
Absent: Council Members Chavez, Cortesé, Diquisto (all excused)
- **Invocation (District 5)**
Associate Pastor Oscar Bauer, Iglesia Bautista, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a congratulatory commendation in honor of Moreland School District's 150th Birthday will be accepted by Dr. James Ritchie, Superintendent and School Board President, Alan Uhlemann. (LeZotte)

(Deferred from 5/1/01 – Item 1.2)

Joining Mayor Gonzales at the Podium, Council Member LeZotte introduced Dr. James Ritchie, Superintendent, and Board President Alan Uhlemann, and commended the Moreland School District on its 150 years of outstanding service to the youth of the community-at-large. Council Member LeZotte officially presented the award to the Moreland School District on March 31, 2001 during a ceremonial dinner in honor of the District's sesquicentennial celebration, and Mayor Gonzales presented the congratulatory commendation to Dr. Ritchie and thanked administrators for their commitment to education.

- 1.2 Presentation of a proclamation commemorating Memorial Day. (Mayor)

Mayor Gonzales read the proclamation commemorating May 28, 2001, Memorial Day, as a tribute to the men and women who have served their country and forfeited their lives for the preservation of freedom and values and the advancement of ideals of democracy for all Americans. He stated the proclamation would be placed in City Hall Lobby.

- 1.3 Presentation of a commendation to Lincoln High School's Mock Trial team for its achievements this school year. (Yeager/Mayor)

(Rules Committee referral 5/16/01)

Joining Mayor Gonzales at the Podium was Council Member Yeager who introduced Attorney Team Coaches Dan Ballesteros, Tina Calahan, Kris Morrella and Jim Towery – and Mock Trial Team Members Steve Cash, Jessica Friedman, Shane Jacksteit, Elyse Michaels, Krista Pietrok, Amanda Ramos, Rasna Sandhu, Kathleen Stavis, Alejandra Torres, Ryan Webb, Max Rain, Shaina Rogozen, Jenny Roberts, Kelsey Mitchell, Pearl Wible, Ponit Maor, Rachel Turk, Lindsey Scherer, and Jonathan Foresee. Mayor Gonzales presented the commendation to the Team – First Place California State Mock Trial Championship Winners, First Place Winners in Santa Clara County, and Fifth Place Winners at the National Championship, out of a field of 44 teams from all parts of the Nation. Mayor Gonzales presented the commendation and congratulated the team on its outstanding achievements.

1 CEREMONIAL ITEMS

- 1.4 Presentation of a proclamation declaring May 20 – 26th, 2001 as Public Works Week.
(Public Works, Transportation, Environmental Services, General Services)
(Rules Committee referral 5/16/01)

Joining Mayor Gonzales at the Podium were Director of Environmental Services Carl W. Mosher, Deputy Director of Traffic Management Jim Helmer, and Acting Director of Public Works Rajeev Batra who thanked the Mayor and City Council for the recognition, and accepted the proclamation on behalf of the City's 1500 professional men and women who maintain the public infrastructure in the City of San Jose.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26359 – Amends Title 6 of the San José Municipal Code to add a new chapter to regulate tinted windows at beverage service businesses.
Ordinance No. 26359 adopted.
- (b) ORD. NO. 26360 – Grants a Commercial Solid Waste and Recyclables Collection Franchise to AAA Express Roll-Off Disposal.
Ordinance No. 26360 adopted.
- (c) ORD. NO. 26361 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Butterick Enterprises, Inc.
Ordinance No. 26361 adopted.
- (d) ORD. NO. 26362 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Browning-Ferris Industries.
Ordinance No. 26362 adopted.
- (e) ORD. NO. 26363 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Custom Disposal Service.
Ordinance No. 26363 adopted.

2 CONSENT CALENDAR

2.1 Final adoption of ordinances.

- (f) ORD. NO. 26364 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Diversified Recycling Services, Inc. dba San José Recycling II.
Ordinance No. 26364 adopted.
- (g) ORD. NO. 26365 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to E.M.S., L.L.C.
Ordinance No. 26365 adopted.
- (h) ORD. NO. 26366 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Green Valley Disposal Co., Inc.
Ordinance No. 26366 adopted.
- (i) ORD. NO. 26367 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc.
Ordinance No. 26367 adopted.
- (j) ORD. NO. 26368 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to GreenWaste Recovery, Inc. dba \$99 Debris Box Service.
Ordinance No. 26368 adopted.
- (k) ORD. NO. 26369 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Grifall Trucking.
Ordinance No. 26369 adopted.
- (l) ORD. NO. 26370 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to GreenTeam of San José dba GT Waste Services.
Ordinance No. 26370 adopted.
- (m) ORD. NO. 26371 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to JHM Services, Inc.
Ordinance No. 26371 adopted.
- (n) ORD. NO. 26372 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation dba Premier Recycle.
Ordinance No. 26372 adopted.
- (o) ORD. NO. 26373 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Julie Coleman Enterprises, Inc. dba Pacific Rim Recycling.
Ordinance No. 26373 adopted.

2 CONSENT CALENDAR

2.1 Final adoption of ordinances.

- (p) ORD. NO. 26374 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Phillip A. Ingram dba Coast Dumpster Service.
Ordinance No. 26374 adopted.
- (q) ORD. NO. 26375 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Los Altos Garbage Company dba Stevens Creek Disposal and Recycling.
Ordinance No. 26375 adopted.
- (r) ORD. NO. 26376 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. dba Recycle West.
Ordinance No. 26376 adopted.
- (s) ORD. NO. 26377 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Number “1” Disposal.
Ordinance No. 26377 adopted.
- (t) ORD. NO. 26378 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Panther Industries.
Ordinance No. 26378 adopted.
- (u) ORD. NO. 26379 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to The Newark Group.
Ordinance No. 26379 adopted.
- (v) ORD. NO. 26380 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Recycling Systems.
Ordinance No. 26380 adopted.
- (w) ORD. NO. 26381 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to The Flea Market.
Ordinance No. 26381 adopted.
- (x) ORD. NO. 26382 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Waste Management, Inc. dba Hollister Disposal.
Ordinance No. 26382 adopted.
- (y) ORD. NO. 26383 - Grants a Commercial Solid Waste and Recyclables Collection Franchise to Waste Management of Santa Clara County.
Ordinance No. 26383 adopted.

2 CONSENT CALENDAR

2.1 Final adoption of ordinances.

- (z) ORD. NO. 26384 – Adopts salaries for the Mayor and Council Members recommended by the Council Salary Setting Commission pursuant to City Charter Section 407.

Ordinance No. 26384 adopted.

- (aa) ORD. NO. 26386 – Amends various chapters of various titles of the San José Municipal Code to amend contracting authority.

Ordinance No. 26386 adopted.

2.2 Approval to extend the lease agreement with Mexicana Airlines.

Recommendation: Approval of the sixth amendment to Operating Agreement and Terminal Building Lease with Compania Mexicana de Aviacion, S. A. de C.V. (Mexicana Airlines) extending the term from February 1, 2002 through November 30, 2007, and adding approximately 201 square feet of operations space, with projected annual revenue to the City of \$242,000. CEQA: Resolution No. 67380. (Airport) (Deferred from 5/8/01 – Item 2.3)

Deferred to 05/29/01.

2.3 Approval to submit a grant application to the California Energy Commission.

Recommendation: Adoption of a resolution authorizing the City Manager to submit, and execute upon receipt, a grant application for \$250,000 to the California Energy Commission 2001 Alternative Fuels Infrastructure Grant Solicitation for the San José International Airport Compressed Natural Gas Station to serve the Airport's ground transportation fueling needs. CEQA: Resolution No. 67380. (Airport)

Resolution No. 70358 adopted.

2.4 Approval of various actions relating to the Downtown Business Improvement District.

Recommendation: Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2001-02 and set a public hearing on June 5, 2001 at 1:30 p.m. on the levy of the proposed assessments. Council District 3. (Economic Development)

Council approved the preliminary report as submitted by the Downtown Business Improvement District Advisory Board.

Resolution No. 70359 adopted.

2 CONSENT CALENDAR

2.5 Approval of various actions relating to the Japantown Business Improvement District.

Recommendation: Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2001-02 and set a public hearing on June 5, 2001 at 1:30 p.m. on the levy of the proposed assessments. Council District 3. (Economic Development)

Council approved the preliminary report as submitted by the Japantown Business Improvement District Advisory Board.

Resolution No. 70360 adopted.

2.6 Approval of various actions relating to the Willow Glen Business Improvement District.

Recommendation: Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for 2001-2002 and set a public hearing on June 5, 2001 at 1:30 p.m. on the levy of the proposed assessments. Council District 6. (Economic Development)

Council approved the preliminary report as submitted Willow Glen Business Improvement District Advisory Board.

Resolution No. 70361 adopted.

2.7 Approval to award a contract for the Filter Backwash Chlorination and SBWR Diversion Disinfection Project.

Recommendation: Report on bids and award of contract for the San José/Santa Clara Water Pollution Control Plant-Filter Backwash Chlorination and SBWR Diversion Disinfection Project, to the low bidder, D.W. Nicholson Corporation, in the amount of \$218,000, and approval of a contingency in the amount of \$44,000. CEQA: Exempt. (Environmental Services)

Approved.

2.8 Approval to amend an agreement for solid waste consulting services.

Recommendation: Approval of a fourth amendment to the agreement with R.W. Beck Inc. for solid waste consulting services, increasing compensation by \$250,000, from \$700,000 to a total not to exceed \$950,000, and extending the agreement term from January 30, 2002 through June 30, 2002. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.9 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #44, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.10 Approval to relocate the San José Firefighters Memorial Bell.

Recommendation: Approval of Contract Change Order No. 49 for the New Fire Station No. 1 Project with Gonsalves & Stronck Construction Company, Inc., for the relocation of the San José Firefighters Memorial in the amount of \$57,135, for a total contract amount of \$4,500,844. CEQA: Resolution No. 64273. Council District 3. (Public Works)

Approved.

2.11 Approval of an agreement for the operation of telecommunications facilities.

Recommendation: Approval of a five-year property use agreement, with one five-year option, with Sprint PCS, allowing for the construction, installation, maintenance, and operation of telecommunications facilities at 1661 and 2077 Airport Boulevard, at an annual base rent of \$60,000 plus \$55 per square foot per year for floor and shelf space, with yearly increases in base and square foot charges at the greater of 4% or the rise in the Consumer Price Index. CEQA: Exempt. Council District 3. (Public Works) (Deferred from 5/8/01 – Item 2.14 and 5/15/01 – Item 2.17)

Deferred to 05/29/01.

2.12 Approval of a parkland agreement, plans, final map, contract, and water main extension for Tract No. 9310.

Recommendation: TRACT NO. 9310 – Northeast corner of Tully Road and Ruby Avenue – Robson Homes, LLC, A California Limited Liability Company (Developer) – 8 single family detached residential units. Approval of a parkland agreement and adoption of resolutions approving the plans, final map, contract, and water main extension for Tract No. 9310. CEQA: ND. Council District 8. (Public Works)

Parkland Agreement Approved.

Resolution No. 70362-70365 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

**3.1 Report of the Study Session,
Mayor Gonzales, Chair
No Report.**

**3.2 Report of the Rules Committee – May 9, 2001
Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Committee referred Redevelopment Agency items to the Redevelopment Agency Board for action.
- (b) City Council
 - (1) Review May 22, 2001 Draft Agenda
The Committee approved the May 22, 2001 City Council Agenda.
 - (2) Add New Items to May 15, 2001 Amended Agenda
The Committee recommended four additions to the May 15, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended an addition to the May 23, 2001 Finance and Infrastructure Committee Agenda entitled, “General Airport Revenue Bonds, Series 2001A – Plan of Finance (Finance Department).”
 - (b) Economic Development and Environment Committee
None Presented.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
The Committee recommended an addition to the May 21, 2001 Education, Neighborhoods, Youth and Seniors Committee Agenda, entitled, “Approval of the Final Draft Auto Body Ordinance (Planning, Building and Code Enforcement).”
 - (d) Ad Hoc Traffic Calming Advisory Committee
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 9, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(d) Meeting Schedules

- (1) Request to approve a Study Session on Downtown Parking on May 24, 2001, 1-4 p.m.

The Committee recommended approval of a Study Session on Downtown Parking to be held on May 24, 2001, 1:00 p.m. to 4:00 p.m. in Council Chambers, City Hall. (Redevelopment Agency)

(e) The Public Record – April 25 to May 1, 2001

The Committee noted and filed the Public Record for the period April 24 to May 1, 2001.

(f) Boards, Commissions and Committees

- (1) Appoint two community representatives to the Airport Noise Monitoring Committee

The Committee deferred this item to the May 16, 2001 Rules Committee meeting.

- (2) Recommend 15 community organizations to be appointed to the Project Area Committee for the proposed Strong Neighborhood Initiative Redevelopment Project Area

The Committee deferred this item to the May 16, 2001 Rules Committee meeting.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

None Presented.

(h) Administrative Reviews and Approval

None Presented.

(i) Oral communications

Teresa Ponce spoke in support of the San José Multicultural Artists Guild, one of the community organizations being considered for appointment to the Project Area Committee for the proposed Strong Neighborhoods Initiative. William Garbett commented on the affiliation of the City Council and the Redevelopment Agency.

(j) Adjournment

The meeting was adjourned at 2:30 p.m.

The Rules Committee Report and actions of May 9, 2001 accepted.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – May 9, 2001 Council Member Dando, Chair

- (a) Consent Items
 - (1) Monthly Investment Report for March 2001
 - (2) Unfunded Projects Appropriation Report as of 3/31/01**The Committee accepted the reports and approved the Consent Calendar Items.**
- (b) An Audit of the Pretreatment Source Control Inspection Program
The Committee accepted the report.
- (c) Oral petitions
Bill Garbett spoke on the Regional Water Quality Control Board and the canning industry. Ted Smith, Silicon Valley Toxics Coalition, spoke on the progress made by the Environmental Services Department, and expressed his concern over reducing any of the services.
- (d) Adjournment
The meeting was adjourned at 3:35 p.m.

The Finance and Infrastructure Committee Report and actions of May 9, 2001 accepted.

3.4 Approval of an agreement to upgrade the payroll system.

Recommendation: Approval of a consulting services agreement with Acuent for the upgrade of the Human Resources/Payroll System from May 23, 2001 to June 30, 2002, in an amount not to exceed \$897,200 (Finance/Human Resources/Information Technology)

Approved with the Administration directed to (a) provide Council with the independent auditor's recommendations on the existing payroll system and necessity to upgrade; (b) report to Council on the existence and type of safety measures installed to ensure maximum security for the information contained in the System; and (c) to provide Council with evaluations, from large public and private employers using People Soft, which identify the problems with the 8.0 version and resolutions to those issues.

3.5 Approval of an ordinance allowing agreements for the removal of billboards.

Recommendation: Approval of an ordinance amending Part 5 of Chapter 23.04 of Title 23 of the San José Municipal Code by adding a new section to allow agreements for the removal of billboards. (City Attorney's Office) CEQA: Exempt.
(Rules Committee referral 5/16/01)

Ordinance No. 26393 passed for publication.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – May 7, 2001 Council Member Williams, Chair

- (a) Status Report on Mayor's Housing Production Team Referrals
The Committee accepted the status report.
- (b) Quarterly Housing Production Reports
 - (1) Quarterly Report on the Project Development Program
 - (2) Quarterly Report on the Housing Rehabilitation Program
 - (3) Quarterly Report on the Housing and Homeless Fund**The Committee accepted the reports.**
- (c) San José First Employment Program (SJFEP) Report
The Committee accepted the report and recommendation to drop the item.
- (d) Approval of an ordinance of the City of San José amending Title 9 of the San José Municipal Code by adding a new Chapter 9.54 to restrict the discing of vegetation on certain lands
The Committee accepted the staff report with the recommendation that City Staff present a report to the full Council for action and include information on additional costs for the creation of firebreaks.

See Item 4.11 for Council Action Taken.
- (e) Oral petitions
Craig Breon, of the Audubon Society, applauded the City's support in the protection of the Burrowing Owl.
- (f) Adjournment
The meeting was adjourned at 2:37 p.m.

The Economic Development & Environment Committee Report and actions accepted.

4.2 Approval of various fiscal actions for the Monterey Pedestrian Street Lights Project.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Monterey Pedestrian Street Lights Project with a net impact to the fund of \$496,000. (City Manager's Office)
Deferred to 05/29/01.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval to submit the Enterprise Zone five-year extension application.

Recommendation: Adoption of a resolution:

- (a) Approving the submittal of the Enterprise Zone five-year extension application; and
- (b) Making the necessary findings required by the California Technology Trade and Commerce Agency.

Council Districts 3, 4, and 7. (Economic Development)

Resolution No. 70366 adopted.

4.4 Approval to issue tax-exempt revenue bonds for the Sunset Square Family Apartments Development.

Recommendation: Adoption of a resolution expressing its intent to issue up to \$12,000,000 in multifamily tax-exempt revenue bonds to finance the acquisition-rehabilitation of a 96-unit family rental housing development, Sunset Square Family Apartments Development, located at 2080 Alum Rock Avenue. Council District 5. (Finance/Housing)

Resolution No. 70367 adopted.

4.5 Public Hearing on planned development rezoning at North White Road and approval of various fiscal actions related to the North White Road Family Housing Development.

Recommendation:

- (a) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North White Road, approximately 450 feet north of McKee Road, from County to A(PD) Planned Development Zoning District, to allow 157 affordable multiple family attached residential units. (Owner, Joe Leach, JSM Enterprises). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-01-002 - District 5

(Continued from 5/1/01 – Item 11.4 and 5/15/01 – Item 11.4)

Ordinance No. 26394 passed for publication.

- (b) Approval of the following actions regarding the North White Road Family Apartments Housing Development:
 - (1) Hold the TEFRA Hearing for the issuance of up to \$20,000,000 in tax-exempt multifamily housing revenue bonds.

TEFRA Hearing Held.

Public testimony presented by six individuals.

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Public Hearing on planned development rezoning at North White Road and approval of various fiscal actions related to the North White Road Family Housing Development. (Cont'd.)

- (b) Approval of the following actions regarding the North White Road Family Apartments Housing Development: - **(Cont'd.)**
 - (2) Adoption of a resolution:
 - (a) Expressing its intent to issue up to \$20,000,000 in multifamily tax-exempt revenue bonds to finance the construction of a 157-unit family rental housing project located in the 400 block of North White Road.
 - (b) Authorizing the Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$20,000,000 in private activity bonds.
 - (c) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with North White Road Associates, L.P., an affiliate of JSM Enterprises, for the CDLAC Application for the Development.

Council District 5.

(Finance/Housing)

(Deferred from 5/15/01 – Item 4.4)

Resolution No. 70368 adopted.

- (c) Adoption of a resolution:
 - (1) Approving business terms for an acquisition/predevelopment loan of up to \$8,000,000 to JSM Enterprises, Inc., or its designated partnership, for the development of the 157-unit North White Road family project with units affordable to low- and very low-income households, on a 3.83-acre site located on the east side of North White Road, approximately 450 feet north of McKee Road.
 - (2) Approving an additional \$1,985,000 for construction financing for a total fund reservation of up to \$9,985,000 for the project.
 - (3) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas.

CEQA: ND. Council District 5. (Housing)

Resolution No. 70369 adopted.

Council approved recommendations as proposed in the 05/22/01 memorandum from Council Member Campos.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Acceptance of the Downtown Historic Resources Survey (Downtown Core Survey).

Recommendation: Acceptance of the Downtown Historic Resources Survey (Downtown Core Survey). Council District 3.
(Planning, Building and Code Enforcement)

Council approved staff recommendation to accept results of the survey.

4.7 Approval of ordinances related to Chapter 7.08 - Title 7 - Animals.

Recommendation: Adoption of an urgency ordinance and approval of a regular ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code:

- (a) Amending Chapter 7.08 of Title 7 by amending the definition of "Pet Shop"; and
 - (b) Creating a definition in Chapter 7.08 of Title 7 of "Building" for the purposes of Chapter 7; and
 - (c) Amending the conditions relating to animal facilities in Section 7.08.730; and
 - (d) Amending the location of animal sales in Section 7.08.830.
- (Planning, Building and Code Enforcement)

Urgency Ordinance No. 26395 adopted.

Ordinance No. 26396 passed for publication.

4.8 PUBLIC HEARING and approval of the vacation of a portion of an easement at Westgate Park.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a portion of the light and air easement (building setback line) that lies within Lot 8 of Tract No. 2046 Westgate Park, located at the southwest corner of Hamilton and Campbell Avenues. CEQA: Negative Declaration. Council District 1. (Public Works)

Resolution No. 70370 adopted.

4.9 Approval of the Project Area Committee election and appointments.

Recommendation: Adoption of a resolution by the City Council hearing and deciding any challenges to the election for the Project Area Committee for the proposed Strong Neighborhoods Initiative Redevelopment Project Area, finding that all adopted election procedures were followed in the election of the PAC, and approving the PAC as elected and appointed. (Redevelopment Agency)

Dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.10 Approval of various actions related to the McLaughlin Avenue Senior Apartments.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for an acquisition/predevelopment loan of up to \$2,504,170 for the McLaughlin Avenue Senior Apartments to ROEM Development Corporation, or its designated partnership, for a 61-unit housing development affordable to very low-income senior households on a 1.55-acre site located at 1275 McLaughlin Avenue, south of Owsley Avenue.
- (b) Approving an additional fund reservation of up to \$1,390,830 for construction and permanent financing for the development.
- (c) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

CEQA: ND. Council District 7. (Housing)

(Rules Committee referral 5/16/01)

Resolution No. 70371 adopted.

Council approved Staff's recommendation as proposed in the 05/18/01 supplemental memorandum.

4.11 Restriction of the discing of vegetation on certain lands.

Recommendation: Approval of an ordinance of the City of San José amending Title 9 of the San José Municipal Code by adding a new Chapter 9.54 to restrict the discing of vegetation on certain lands. CEQA: Exempt.

[Economic Development and Environment Committee referral 5/7/01 – Item 4.1(d)]

Deferred to 06/05/01.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee

Council Member Chavez, Chair

No Report.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) – May 10, 2001

Council Member Reed, Chair

- (a) Report on Multi-modal Intersection Level of Service Policy
The Committee accepted the staff report.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc) – May 10, 2001 – (Cont'd.) Council Member Reed, Chair

- (b) Report on Crash Reduction Program
The Committee accepted the staff report.
- (c) Review of Traffic Calming Project Priorities and Criteria
The Committee agreed to the handling of requests on a first-in, first-out basis, with conditions, and schools moved to the top of the list, and accepted the staff report.
- (d) Oral petitions
None Presented.
- (e) Adjournment
The Committee adjourned at 4:05 p.m.

The Traffic Calming Advisory Committee Report and actions of May 10, 2001 accepted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Resolution regarding preservation of the Coyote Valley greenbelt.

Recommendation: Adoption of a resolution to reaffirm the City's commitment to the preservation of the Coyote Valley greenbelt. (Mayor)
(Deferred from 5/8/01 – Item 7.3 and 5/15/01 – Item 7.2)
Resolution No. 70372 adopted.

7.2 Approval to submit a grant application to HUD for \$2,000,000 for Downtown replacement parking.

Recommendation: Approval to submit a grant application for Downtown replacement parking for the Brownfields Economic Development Initiative, administered by the U.S. Department of Housing and Urban Development, in the amount of \$2,000,000.
(Redevelopment Agency)
(Orders of the Day)
Approved.

8 AVIATION SERVICES

8.1 Approval of an agreement and license with Air Canada.

Recommendation: Approval of an Airline Operating Agreement and License with Air Canada for the period July 1, 2001 through November 30, 2007, with projected annual revenue to the City in the amount of \$660,000. CEQA: Resolution No. 67380. (Airport)
Deferred to 05/29/01.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

**REDEVELOPMENT AGENCY BOARD CONVENED AT 1:38 P.M. TO
CONSIDER ITEM 10.1 IN A JOINT SESSION WITH THE CITY COUNCIL AND
THE SANTA CLARA COUNTY BOARD OF SUPERVISORS.**

10.1 Approval of settlement with the County of Santa Clara.

Recommendation:

- (a) Adoption of a resolution by the City Council:
 - (1) Approving the Amended and Restated Agreement by and among the City of San José, the Redevelopment Agency of the City of San José, and the County of Santa Clara related to the cooperation among the entities regarding redevelopment and planning issues, including the continued allocation of tax increment to the County, and the delegation of redevelopment authority to the County;
 - (2) Authorizing the City Manager to accept a grant deed transferring title to the City of a certain parcel located on the former Asbury Street, at no cost to the City;
 - (3) Approving a first amendment to the agreement between the County and the City setting compensation for collecting sewer service charges on the tax roll, decreasing the collection charge to .3% of the total charges collected; and
 - (4) Expressing its intent to disband the City/County Joint Powers Authority as of June 30, 2001, and to terminate the authority of the JPA except to take whatever actions may be necessary to implement grants made through the end of Fiscal Year 2001-02.

Resolution No. 70357 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of settlement with the County of Santa Clara – (Cont'd.)

Recommendation:

- (b) Adoption of a resolution by the Redevelopment Agency Board:
 - (1) Approving the Amended and Restated Agreement by and among the City of San José, the Redevelopment Agency of the City of San José, and the County of Santa Clara related to the cooperation among the entities regarding redevelopment and planning issues, including the continued allocation of tax increment to the County, and the delegation of redevelopment authority to the County;
 - (2) Delegating to the County Board of Supervisors the authority to undertake redevelopment, consistent with applicable redevelopment law, pursuant to Health & Safety Code Section 33205.

(City Attorney's Office)

(Orders of the Day)

Resolution No. 5161 adopted.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 1:45 P.M.

Closed Session Report

Disclosure of Closed Session Action of May 22, 2001 submitted by City Attorney, J. Richard Doyle:

A. Authority to Enter Litigation Cases as *Amicus Curiae*:

1. Case Name: City of Auburn, et al. v. Qwest

Adverse Party or Parties: Qwest

Substance of Litigation: Whether Section 253 of the Federal Telecommunications Act preempts a city's ability to regulate and condition use of the public right-of-way by telecommunications providers and the scope of that preemption.

Council Vote:	Ayes:	Campos, Cortesé, Dando, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager
	Noes:	None.
	Absent:	Chavez, Diquisto; Gonzales
	Disqualified:	None.

Open Forum

Richard Calhoun asked Council to implement speedy low-cost suggestions submitted by the Alum Rock Park neighborhood to correct (1) increased nuisance caused by Alum Rock Park visitors, (2) decreased personal safety in surrounding neighborhood, (3) increased risk of vehicle accidents, and (4) increased risk of injury and/or death.

Following Open Forum, Council reconvened Closed Session in Room 204 to consider labor negotiations, recessed at 5:15 p.m. and reconvened at 7:05 p.m. in Council Chambers for the Public Hearing on Operating and Capital Budgets and Proposed 2001-2002 Fees and Charges.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on proposed budgets and proposed fees and charges.

Recommendation: PUBLIC HEARING on the Proposed Operating and Capital Budgets for FY 2001-02, the Proposed Five-Year Capital Improvement Program for 2002-2006, the Proposed FY 2001-02 City Departmental Fees and Charges, and the Mayor's FY 2001-02 Final Budget Modifications Memorandum. (City Manager's Office)
(Continued from 5/21/01 – Item 11.1)

Council opened the Public Hearing and received public testimony from ten (10) speakers, who were advised that Council action on the Budgets would occur at the June 12, 2001 City Council Meeting, and that this evening's comments will be reviewed by the Mayor's Budget Office, and funding requests incorporated into the Budget, as applicable.

Open Forum

Adjournment

The Council of the City of San José adjourned at 7:30 p.m.